



Virginia  
Regulatory  
Town Hall

## Final Regulation Agency Background Document

<b>Agency Name:</b>	Board of Housing and Community Development
<b>VAC Chapter Number:</b>	13 VAC 5-91-10 et seq.
<b>Regulation Title:</b>	Virginia Industrialized Building Safety Regulations
<b>Action Title:</b>	Final
<b>Date:</b>	5/23/03

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

### Summary

*Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.*

The substantive changes to the Virginia Industrialized Building Safety Regulations (IBR) (13 VAC 5-91-10 et seq.) adopted by the Board of Housing and Community Development (Board) are as follows:

To update the model codes and standards references to the same editions of the model codes and standards being adopted for the Uniform Statewide Building Code (USBC).

To increase the registration seal fee for an industrialized building from \$50 to \$75 per seal.

To expand the type of information about an industrialized building and its use to be included on the manufacturer's data plate and placed within the unit. This information would include thermal transmittance values, special conditions or limitations on the use of the building, special

instructions for handling, installation and erection of the building, designation of electrical service rates, directions for water and drain connections, and permissible types of gas for appliances.

To expand and update definitions used within the regulation for clarity.

To specify the state government office responsible for the administration and enforcement of the IBR.

There have been no changes made to this proposed regulation since the proposed action was published.

**Statement of Final Agency Action**

*Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

The Board of Housing and Community Development adopted provisions for the Virginia Industrialized Building Safety Regulation as a final regulation on April 7, 2003.

**Basis**

*Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.*

There is no federal source of legal authority to promulgate the regulation.

The statutory authority for the Board of Housing and Community Development to promulgate the regulations is found in the General Assembly’s mandate to the Board in § 36-73 of the Code of Virginia, which directs the Board to promulgate rules and regulations prescribing for industrialized buildings.

§ 36-73 Authority of Board to promulgate rules and regulations

The Board shall from time to time promulgate rules and regulations prescribing standards to be complied with in industrialized buildings for protection against the hazards thereof to safety of life, health and property and prescribing procedures for the administration, enforcement and maintenance of such rules and regulations. The standards shall be reasonable and appropriate to the objectives of this law and within the guiding principles prescribed by the General Assembly

in this law and in any other law in pari materia. The standards shall not be applied to manufactured homes defined in § 36-85.3.

In making rules and regulations, the Board shall have due regard for generally accepted safety standards as recommended by nationally recognized organizations, such as the Building Officials and Code Administrators International, Inc., the Southern Building Codes Congress, the International Conference of Building Officials, the National Fire Protection Association and the Council of American Building Officials.

Where practical, the rules and regulations shall be stated in terms of required levels of performance, so as to facilitate the prompt acceptance of new building materials and methods. Where generally recognized standards of performance are not available, the rules and regulations of the Board shall provide for acceptance of materials and methods whose performance has been found by the Department, on the basis of reliable test and evaluation data presented by the proponent, to be substantially equal in safety to those specified.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+36-73>

The Office of the Attorney General has certified that the Board of Housing and Community Development has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

### Purpose

*Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.*

The rationale for the substantive changes to the Industrial Building Safety Regulations (IBR) is to better assure the safe occupancy and use of industrialized buildings and to assure efficient administration and enforcement of these regulations. The substantive changes to the IBR adopted by the Board are as follows:

To update and expand definitions used within the regulation for clarity.

To bring the editions of referenced model codes and standards for this regulation up to the same editions used for the USBC.

To increase the fee for an industrialized building registration seal from \$50 to \$75 per seal.

To specify the state government office responsible for the administration and enforcement of the IBR. This office shall be the State Building Code Administrative Office of the Department of Housing and Community Development.

To expand the type of information about an industrialized building and its use to be included on the manufacturer's data plate and placed within the unit. This information would include thermal transmittance values, special conditions or limitations on the use of the building, special instructions for handling, installation and erection of the building, designation of electrical service rates, directions for water and drain connections, and permissible types of gas for appliances.

## Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.*

The rationale for the substantive changes to the Industrial Building Safety Regulations (IBR) is to better assure the safe occupancy and use of industrialized buildings and to assure efficient administration and enforcement of these regulations. The substantive changes to the IBR adopted by the Board are as follows:

To update and expand definitions used within the regulation for clarity.

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## Issues

*Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.*

The primary advantage for the public of implementing the new regulation will be the updating of referenced model codes and standards up to the latest editions, which should be less burdensome and intrusive. The agency sees no disadvantages for the public or the Commonwealth for the fee increase from \$50 to \$75 per seal for an industrialized building registration seal.

### Statement of Changes Made Since the Proposed Stage

*Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.*

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There have been no changes to the proposed regulation since the proposed action was published.

### Public Comment

*Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.*

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The Board received no public comment on this proposed regulation during the public comment period that commenced on December 2, 2002 and ended on January 31, 2003.

### Detail of Changes

*Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.*

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All of the substantive changes to the IBR being proposed by the Board are the following:

13 VAC 5-91-10 is amended to update and expand definitions used within the regulation for clarity.

13 VAC 5-91-40 is amended to specify the state government office responsible for the administration and enforcement of the IBR. This section is also amended to provide that the State Building Code Administrative Office shall maintain a list of approved compliance assurance agencies. Each manufacturing producing registered industrialized buildings will contract with one or more compliance assurance agencies for required evaluation, monitoring and inspection services.

13 VAC 5-91-110 is amended to clarify that building officials may require submission and approval of plans and specifications for items not included or specified in the manufacturer's installation instructions.

13 VAC 5-91-120 is amended to authorize the building official to accept reports of inspections and tests from individuals or agencies deemed acceptable to the official.

13 VAC 5-91-160 is amended to update the model codes and standards to the same editions of the model codes and standards as are being adopted for the USBC. To update the construction model codes and standards to the same editions of the ICC and NFPA codes and standards as are being adopted for the USBC.

To increase the registration seal fee for an industrialized building from \$50 to \$75 per seal.

13 VAC 5-91-210 through 13 VAC 5-91-250 are amend to expand the type of information about an industrialized building and its use to be included on the manufacturer’s data plate and placed within the unit. This information includes thermal transmittance valves, special conditions or limitations of use of the building, special instructions for handling, installation and erection of the building, designation of electrical service rates, directions for water and drain connections, and permissible types of gas for appliances.

13 VAC 5-91-260 is amended to provide that the compliance assurance agency or the manufacturer under the supervision of the compliance assurance agency shall maintain permanent records of the disposition of all Virginia registration seals obtained by the compliance assurance agency or manufacturer.

13 VAC 5-91-270 is amended to update documents incorporated by reference.

**Family Impact Statement**

*Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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N/A